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International Criminal Court

Report of the Sixth Committee

Rapporteur: Ms. Anna **Sotaniemi** (Finland)

I. Introduction

1. The item entitled "International Criminal Court" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 58/79 of 9 December 2003.

2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 6th and 27th meetings, on 14 October and on 19 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.6 and 27).

4. For its consideration of the item, the Committee had before it the note of the Secretariat (A/59/356).

II. Consideration of draft resolution A/C.6/59/L.25 and Corr.1

5. At the 27th meeting, on 19 November, the representative of the Netherlands, on behalf of the Bureau, introduced a draft resolution entitled "International Criminal Court" (A/C.6/59/L.25 and Corr.1) and orally revised it by adding a new footnote after the words "Relationship Agreement" in the fourth preambular paragraph.

6. At the same meeting, the representative of the United States of America made statement in explanation of position before the Committee took action on the draft resolution and the representative of Canada made statement in explanation of position after the Committee took action on the draft resolution (see A/C.6/59/SR.27).

7. Also at the same meeting, the Committee adopted draft resolution A/C.6/59/L.25 and Corr.1, as orally revised, without a vote (see para. 8).

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III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

International Criminal Court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995, 51/207 of 17 December 1996, 52/160 of 15 December 1997, 53/105 of 8 December 1998, 54/105 of 9 December 1999, 55/155 of 12 December 2000, 56/85 of 12 December 2001, 57/23 of 19 November 2002 and 58/79 of 9 December 2003,

Noting that the Rome Statute of the International Criminal Court[1] was adopted on 17 July 1998 and entered into force on 1 July 2002,

Noting also the adoption of the Regulations of the International Criminal Court,[2] the entry into force of the Agreement on the Privileges and Immunities of the Court,[3] the opening of the first investigations by the Prosecutor and the constitution of the Pre-Trial Chambers of the Court,

Acknowledging the Relationship Agreement between the United Nations and the International Criminal Court ("Relationship Agreement") as approved by the Assembly of States Parties on 7 September 2004 and by the General Assembly in its resolution 58/318 of 13 September 2004,[4] including paragraph 3 of the resolution with respect to the full reimbursement of expenses resulting from the implementation of the Relationship Agreement,[5] and signed by the United Nations and the Court on 4 October 2004, thereby entering into force,

Reiterating the historic significance of the adoption of the Rome Statute of the International Criminal Court,

1. *Calls upon* all States that are not yet parties to the Rome Statute of the International Criminal Court[1] to consider ratifying or acceding to it without delay, and encourages efforts aimed at promoting awareness of the results of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held in Rome from 15 June to 17 July 1998, the provisions of the Statute and the process leading to the establishment of the International Criminal Court;

2. *Calls upon* all States to consider becoming parties to the Agreement on the Privileges and Immunities of the International Criminal Court[3] without delay;

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[1] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[2] ICC-BD/01-01-04.

[3] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.E.

[4] See A/58/874 and Add.1.

[5] Articles 10 and 13 of the Relationship Agreement.

3. *Welcomes* the holding of the third session of the Assembly of States Parties in The Hague from 6 to 10 September 2004, and also welcomes the election of the new President of the Assembly of States Parties, new members to the Committee on Budget and Finance and the second Deputy-Prosecutor, and the important decisions taken on that occasion, including the establishment of the secretariat of the Board of Directors of the Trust Fund for Victims, as well as the adoption of a number of resolutions;[6]

4. *Recalls* the establishment of the Special Working Group on the Crime of Aggression by the Assembly of States Parties to the Rome Statute of the International Criminal Court, open to all States on an equal footing;

5. *Expresses its appreciation* to the Secretary-General for providing effective and efficient assistance in the establishment of the International Criminal Court;

6. *Takes note* of the statement by the President of the Security Council of 6 October 2004,[7] in which the Secretary-General is thanked for his report on the rule of law,[8] in which reference was made to a number of efforts, in particular by the International Criminal Court to promote justice and the rule of law;

7. *Welcomes* the report of the Secretary-General on the work of the Organization,[9] in which references were made to the International Criminal Court;

8. *Welcomes also* the steps taken as explained in the note by the Secretariat on the International Criminal Court,[10] amongst which were those to close the various trust funds administered by the Secretary-General relating to the establishment of the Court and subsequent activities;

9. *Recalls* that pursuant to article 4, paragraph 2, of the Relationship Agreement,[11] the International Criminal Court may attend and participate in the work of the General Assembly in the capacity of observer and that pursuant to article 6 of the Relationship Agreement the Court may submit reports on its activities to the fifty-ninth and following sessions of the General Assembly;

10. *Decides* to include in the provisional agenda of its sixtieth session, the item entitled "Report of the International Criminal Court", under which shall be considered, with the Court invited to attend and to participate, pursuant to article 4, paragraph 2, of the Relationship Agreement, any report of the International Criminal Court, pursuant to article 6 of the Relationship Agreement.

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[6] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (ICC-ASP/3/25).

[7] S/PRST/2004/34; see *Resolutions and Decisions of the Security Council, 1 August 2004-31 July 2005*.

[8] S/2004/616.

[9] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 1* (A/59/1).

[10] A/59/356.

[11] A/58/874, annex.